United Nations S/2000/422

Security Council

Distr.: General
12 May 2000

Original: English

Letter dated 11 May 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith an Ethiopian memorandum on the origins and current status of the Ethiopian-Eritrean crisis (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Fesseha A. **Tessema**
Chargé d'affaires, a.i.

00-42909 (E) 120500

Annex to the letter dated 11 May 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the President of the Security Council

Statement from the Ministry of Foreign Affairs: Ethiopian memorandum on the origins and current situation with regard to Ethiopian-Eritrean crisis

1. It is now more than two years since Eritrea invaded Ethiopia and occupied its territory. The May 1998 Eritrean aggression against Ethiopia was totally unprovoked and, given the close relations between the two countries until that time, also amounted to a stab in the back and to a betrayal of friendship.

2. That was not the first time in its brief independent existence of five years that Eritrea has resorted to force to resolve differences with its neighbours. Eritrea has five neighbours. Four of them, including Ethiopia, have had their turn in being a victim of Eritrean bellicosity and aggression.

3. Though the victim of aggression, Ethiopia has never over the past two years of the crisis even once demonstrated unwillingness to give peace a chance. The military means of reversing the Eritrean aggression has never been Ethiopia's first option. Ethiopia's preferred option has always been peaceful resolution of the crisis.

4. But Ethiopia has always had one demand. We insisted that the violation of international law should not and must not be rewarded. Accordingly, Ethiopia has insisted, and continues to insist, that Eritrea's aggression be reversed. This, we have argued, could be done only when the status quo ante is restored. This has been Ethiopia's bottom line for peace. And this is what Eritrea has refused to accept, and thus the reason why all peace efforts made so far have failed to succeed.

5. The fact that Eritrea is the aggressor, and Ethiopia the victim of aggression, is beyond doubt. No less beyond doubt is the fact that Eritrea has been the one who has been the cause for the failure of all peace efforts so far.

6. The latest peace effort scuttled by Eritrea is the proximity talks that took place in Algiers from 29 April to 5 May 2000 under the auspices of the current chairman of OAU, with the support of senior officials of the United States of America and representatives of the European Union.

7. But this is only the latest in a long series of peace efforts that have been wrecked by Eritrea.

8. The first such opportunity was lost in early June 1998, soon after the Eritrean aggression, when Eritrea rejected the United States-Rwandese peace proposal. That was a peace proposal that could have helped us achieve peace right from the outset and before, because of Eritrea's intransigence, the outbreak of wide-scale military hostilities causing enormous suffering, loss of lives and destruction of property, were made inevitable.

9. The central element of the United States-Rwandese proposal was the following request addressed to Eritrea to agree to a return to the status quo ante:

> ... Eritrean forces begin to re-deploy to positions held before 6 May 1998, and that, immediately following, the civilian administration in place before 6 May 1998 return ...

10. With the United States-Rwandese effort at peacemaking having thus been aborted by Eritrea, OAU took over the responsibility for peace, with Eritrea being the first to invite OAU to assume this responsibility. It served Eritrea's purpose at the time to promote the OAU as a champion of neutrality in whom, unlike the United States and Rwanda, it could have confidence. But this was until OAU was to call a spade a spade and demand, reiterating the call made by the United States and Rwanda, for the restoration of the status quo ante and for the reversal of the Eritrean aggression.

11. But the way OAU handled its job was methodical. Because Eritrea had denied having occupied Ethiopian territory, the OAU set up a High-Level Delegation of OAU Heads of State, supported by ministerial and ambassadorial committees, comprising members from States members of the High-Level Delegation, for the purposes of investigating the matter.

12. The findings of the OAU Ambassadorial Committee, which served as the basis for the Framework Agreement subsequently to be drawn up by the High-Level Delegation and to be submitted to the two parties as an OAU peace proposal on 8 November 1998, could not have been clearer on the origin of the crisis. The report of the Ambassadorial Committee, among other things, stated the following:

> With regard to the authority which as administering Badme before 12 May 1998, and on the basis of the information at our disposal, we have reached the conclusion that Badme Town and its environs were administered by the Ethiopian authorities before 12 May 1998.

13. The same report added, dismissing the Eritrean assertion that alleged that developments prior to 6 May 1998 might have had significance for the crisis, the following as part of its conclusion:

> It is, nevertheless, of the view that what happened in Badme between 6 and 12 May [1998] constitutes a fundamental element of the crisis.

14. It was, as referred to above, on the basis of these findings, that the OAU High-Level Delegation stated in paragraph 3 of its peace proposal, known as the Framework Agreement, that,

> In order to create conditions conducive to a comprehensive and lasting settlement of the conflict through the delimitation and demarcation of the border, the armed forces presently in Badme Town and its environs should be re-deployed to the positions they held before 6 May 1998.
>
> In response to requests by Prime Minister Meles Zenawi for confirmation by the OAU High-Level Delegation, the High-Level Delegation confirmed that the terms "armed forces" is in reference to Eritrean troops and that the term "environs" was meant to denote all occupied Ethiopian territories. No doubt, whatever is meant to apply to part of occupied land should also apply to all land occupied by force.

15. But Eritrea would not accept the OAU Framework Agreement when it was submitted to the two parties on 8 November 1998 and continued with its

intransigence until February 1999. It was only when Eritrean forces were driven out of Badme on 26 February 1999 that Eritrea said, on 27 February 1999, that it was prepared to accept the Framework Agreement, but with the provision that it would not withdraw from other Ethiopian territories that were still under Eritrean occupation.

16. But the OAU would have none of this and Eritrea was told in no uncertain terms that it was expected to withdraw from all occupied territories administered by Ethiopia until the time of the Eritrean aggression. In his letter of 8 May 1999 to the President of Eritrea, President Blaise Compaore of Burkina Faso, then current Chairman of OAU, said:

> To find a solution to the problem posed to the implementation of the Framework Agreement, I submit to you a solemn appeal, in the name of the OAU and its High-Level Delegation, that you accept our proposal that the Eritrean Government agree to re-deploy its troops out of Ethiopian territories occupied after 6 May 1998.

17. Eritrea's response to the above solemn request by OAU was another spate of insults directed at its then current Chairman. It took another military setback in June 1999 for Eritrea to accept the Modalities endorsed, along with the Framework Agreement, by the OAU Summit in Algiers in July 1999. The Modalities for the implementation of the OAU Framework Agreement stated, in paragraph 1:

> The Eritrean Government commits itself to re-deploy its forces outside the territories they occupied after 6 May 1998.

18. Many thought that Eritrea would now contribute its share to peace and that it would, as called for in explicit terms by the Modalities, commit itself to full withdrawal of its forces of occupation from Ethiopian territory. It is to be recalled that that was what the then current Chairman of OAU, President of Burkina Faso, called on Eritrea to do in May 1999.

19. The next step for the OAU was to draw up the technical details for the implementation of the two OAU basic peace documents, the Framework Agreement and the Modalities, which were the two documents endorsed by the OAU Summit.

20. The technical document, which later came to be known as the technical arrangements, was conceived to deal with purely technical details with a view to facilitating the implementation of the two basic documents. It was not meant to set forth new principles for the resolution of the conflict. Nor was it expected to amend or contradict the principles which formed the basis for the Framework Agreement and the Modalities.

21. But unfortunately, when the technical arrangements were submitted to Ethiopia, it became immediately obvious that it was a flawed document. It was not consistent with the Framework Agreement and the Modalities. It left ambiguities with respect to the need for the full restoration of the status quo ante, the demand that Ethiopia had insisted on right from the beginning and which Eritrea had also from the outset refused to accept. Obviously, Eritrea thought it had achieved its objectives by default and immediately seized the opportunity and said it has accepted the technical arrangements.

22. It is not necessary to dwell on how and why the facilitators ended up doing what they did. This is not important now and, in any case, Ethiopia never felt they

did it out of malice. The most significant point, however, is that the facilitators did eventually discover that the technical arrangements needed to be revisited and to be made consistent with the Framework Agreement and the Modalities.

23. The preparation of the technical arrangements got started in July 1999. It took almost eight months to produce the first draft and then to bring the document in line with the two OAU basic documents. Since July, Ethiopia has insisted on how critical it is to make the technical document consistent with the Framework Agreement. Eritrea never objected to the effort being made by the OAU to improve the document. It was also agreed, including by Eritrea, that the formal signing of all three documents would take place following the completion of an agreed implementation plan. This would also have meant an agreement on a ceasefire.

24. Ethiopia has always insisted that a formal ceasefire would be signed after Eritrea had fully committed itself to the withdrawal of its forces from occupied Ethiopian territory not after Eritrea had withdrawn its forces from Ethiopian territories it had occupied by force. What Ethiopia wanted was a formal commitment from Eritrea, in concrete terms and with no ambiguity, to withdraw its forces from occupied Ethiopian land. For that, it was necessary to complete the preparation of a technical document acceptable to both and based on the two OAU basic peace documents.

25. This was close to being achieved in March 2000 when, during the last round of shuttle diplomacy by the facilitators from 25 February to 5 March, the facilitators made progress towards producing a consolidated technical arrangement, which was more or less consistent with the Framework Agreement and the Modalities.

26. At any rate, this was the Ethiopian view, as well as that of the facilitators. But Eritrea balked and said it was not ready to accept the improved document. But Eritrea nonetheless agreed to continue the talks later after it has had the opportunity to study the document in detail.

27. It was under these circumstances that the facilitators proposed proximity talks before the end of March to continue the process of peacemaking. The proposal was accepted by both parties. What the agenda of the proximity talks would be was made clear by the press release put out by OAU on 6 March 2000. It said in part:

> The two parties reaffirmed their will to see that the technical arrangements are consistent with the letter and spirit of the Framework Agreement and the Modalities.

28. As it had been the intention of the facilitators to convene proximity talks before the end of March, the two parties received communication from the current Chairman inviting them to send their delegation to Algiers for talks that would have begun on 25 March 2000. In his letter of invitation, the current Chairman was clear about the agenda for the proximity talks. He said it was being convened "with the view to consolidating the technical arrangements".

29. But Eritrea would not confirm its participation and therefore the talks planned for 25 March 2000 were aborted. The Ethiopian Minister for Foreign Affairs had to cancel his flight at the last minute.

30. It was obvious that Eritrea was looking for an excuse to scuttle the peace process as it has always done when it was close to being pinned down on having to take concrete steps to reverse its aggression and return to the status quo ante.

31. This became clear once again when Eritrea first failed to confirm its participation in rescheduled proximity talks now planned to start on 29 April 2000. But this time the facilitators stood their ground and United States and European Union officials proceeded to Algiers. The Eritrean delegation could thus not absent itself from the talks as the Ethiopian delegation was already in Algiers on time. Though the talks had to be postponed for a day because of Eritrea, they nevertheless began the next day. But the meeting was to no avail. Eritrea had sent its delegation to Algiers to wreck the peace process.

32. The Algiers proximity talks collapsed after six days of futile consultation because Eritrea refused to discuss the agenda, insisting on a set of newly formulated preconditions for talks on substantive matters on the basis of the consolidated technical arrangements.

33. Eritrea knew perfectly well that an agreement on the implementation plan would have logically and automatically led to the signing of the three documents and of a ceasefire. This has been the understanding since July 1999. But Eritrea would have none of this now. It wanted to proceed immediately to signing the two OAU basic peace documents and to agreeing to a ceasefire before completing the negotiation on the implementation plan, which would have committed it in concrete terms to withdraw from occupied Ethiopian territories.

34. The experience was indeed frustrating both to Ethiopia and to the facilitators. Thus, Eritrea succeeded in ensuring the collapse of the Algiers proximity talks and perhaps fatally wrecking the OAU peace process.

35. What Ethiopia advanced in Algiers at the ill-fated proximity talks was the same position it has been committed to since July 1999 and, in general terms, since the morrow of the Eritrean aggression. Eritrea, however, came with new preconditions, which were also a source of puzzlement for the facilitators. In a communiqué put out on 5 May, the office of the current Chairman laid out the reason for the collapse of the peace process in Algiers as follows:

> ... The proximity talks held in Algiers were intended to assist the two Parties arrive at consolidated technical arrangements on the basis of positions acceptable to each of them ...
>
> Unfortunately, those substantive discussions could not be started because Eritrea requested, as a pre-condition, the signing of the Framework Agreement, the Modalities and the ceasefire while Ethiopia maintained its position of July 1999, namely that the said signing should take place only after the finalization of the technical arrangements ...

36. But there should have been no surprise over the Eritrean position in Algiers. No doubt its preconditions were new insofar as this round of negotiation that started in July 1999 was concerned. However, as a general pattern of Eritrea's position in all phases of the peace process, starting form the United States-Rwandese peace proposal, Eritrea's behaviour in Algiers reflected its known reluctance to agree to the full return of the status quo ante of 6 May 1998 and to the reversal of its aggression.

37. It is to be recalled that the OAU peace process, which continued for almost two years to finally reach a dead-end in Algiers, is the second effort by OAU after its first effort had failed immediately following the Ouagadougou Summit of 8 to 10

June 1998. That first attempt at peacemaking by OAU was based on a call by the Organization to the parties to the conflict to accept and immediately implement the United States-Rwandese peace proposal. That decision was adopted by the OAU Summit on 10 June 1998. It was with a view to following up the implementation of that Summit decision that the OAU High-Level Delegation paid visits to Addis Ababa and Asmara on 18 and 19 June 1998. But it failed, again, because Eritrea was not committed to peace.

38. In expressing its frustration over the collapse of its first attempt at brokering peace between Ethiopia and Eritrea, the High-Level Delegation said, *inter alia*, on 19 June 1998:

> It would be recalled that the facilitators [United States and Rwanda] have put forward some proposals to both parties as a way of bridging the gap between them. These proposals were supported by the Ouagadougou Summit.
>
> In the course of its discussion with both parties, the Ethiopian side reiterated its acceptance of the proposals of the facilitators. The Eritrean side stated clearly that the facilitation was over. From this point of view, therefore, the Delegation was not able, at this juncture, to make headway with respect to the facilitators' recommendation.

39. Although that phase of the OAU effort was aborted by Eritrea, the Organization stated at the time that it would not give up. The same OAU report of the time said,

> the OAU will nonetheless continue with its efforts. The issue is too serious and grave and deserves the continued attention of the Organization ... In this endeavour, the OAU Delegation will build on the areas where there is convergence of approach and views between the two parties.

40. That was two years ago. But nothing has changed in Eritrea's position. It continues to refuse reversing its aggression. Now again, after so much effort by OAU, and bloodshed in the meantime because of Eritrea's intransigence, the OAU peace process has come to naught because of Eritrea. The aggressor has made it consistently clear that peace is not in its interest. Ethiopia has had no partner for peace.

41. This is the dilemma Ethiopia faces. The road to peace has been consistently blocked by Eritrea. At every critical stage in the peace process, Eritrea has come up with an excuse to derail it. How long can Ethiopia wait until its territory is liberated? Two years have already passed. Can Ethiopia wait indefinitely for the restoration of its sovereignty? Should rogue States be allowed to get away with violation of the law? We have no doubt about what the verdict of the fair-minded and those who care for the defence of principles of international law will be.

42. Let it be underlined clearly that the war that was imposed on Ethiopia by Eritrea on 6 May 1998 has continued for over two years. The various efforts made for peace have faltered because of Eritrea's intransigence. Therefore, Ethiopia has been unable to find a partner to end the war.

43. Under the circumstances, Eritrea bears full and sole responsibility for all the consequences of this war that has continued for over two years now.